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CS-02-073

October 27, 2004

To: Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attn: Art Unit 2814 - Ginette Peralta

From: George O. Saile, Reg. No. 19,572

28 Davis Avenue

Poughkeepsie, N. Y., 12603

Subject: | Serial No.: 10/616,268 07/09/03 |

Marvin Lo

ALUMINUM CAP WITH ELECTROLESS  
NICKEL/IMMERSION GOLD

|\_ Art Group: 2814 Ginette Peralta\_|

#### RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 10/06/04. In that Office Action, restriction was required to one of two stated

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 2, 2004.

Stephen B. Ackerman, Reg.# 37761

Signature/Date

11/2/04

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-45 to a process, classified in Class 438, subclass 411 and Group II - Claims 46-75 to a solder bump structure, classified in Class 257, subclass 737.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-45 drawn to a process classified in Class 438, subclass 411. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "a solder bump structure and the process Claims are directed to "a method of forming a solder bump", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass 438/411 and products class 257/737 in addition to other related

Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In the instant case the solder bump structure of group II could be manufactured by a materially different process that could comprise forming a cover layer, patterning the cover layer to form a groove, making a metal bond pad inside the groove, depositing a metal cap layer over the metal bond pad and on the cover layer side walls; and depositing the solder bump over the cap layer", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,



Stephen B. Ackerman, Reg. # 37761